

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

EIRINI ZAGKLARA, individually and	)	
as personal representative of the estate of	)	
IOANNIS ZAGKLARAS,	)	
	)	
Plaintiff,	)	Docket no. 2:10-cv-445-GZS
	)	
v.	)	
	)	
SPRAGUE ENERGY CORP.,	)	
	)	
Defendant & Third Party	)	
Plaintiff,	)	
	)	
v.	)	
	)	
LEOPARD SHIPPING et al.,	)	
	)	
Third Party Defendants.	)	

**ORDER REGARDING THE DEPOSITON DESIGNATIONS OF CAPTAIN SOLENKOV**

Before the Court are Plaintiff's Objections & Counter Designations to the Video Deposition of Captain Solenkov (ECF No. 212), Third Party Defendant's Response (ECF No. 209), and Defendant's Response (ECF No. 217).

Having reviewed the transcript of the deposition (ECF No. 209-1), the Court now rules as follows:

**Page 69, line 11 through Page 70, line 9 – Plaintiff's Objection**

Overruled. Having reviewed Defendant's Exhibit 20, the Court will admit this exhibit over Plaintiff's objection and, therefore, will allow this testimony.

**Page 107, line 6 through Page 107, line 17 – Plaintiff’s Objection**

Overruled. The Court declines Plaintiff’s invitation to exclude this evidence under F.R.E. 402, 403 & 702.

**Page 11, line 13 through Page 12, line 5 – Defendant’s Objection**

Overruled. The designated portion is relevant.

**Page 13, line 10 through Page 14, line 15 – Defendant’s Objection**

Overruled. The full designated portion is relevant and an adequate foundation established.

**Page 34, line 20 through Page 35, line 15 – Defendant’s Objection**

Overruled. Admissible as designated by Plaintiff.

**Page 41, line 24 through Page 42, line 15 – Defendant’s Objection**

Overruled. The designated portion is relevant.

**Page 46, line 21 through Page 47, line 23 –Defendant’s Objection**

Overruled. Defendant’s objections under F.R.E. 402, 403 & 602 are without merit.

**Page 48, line 23 through Page 49, line 16 –Defendant’s Objection**

Overruled. Defendant’s objections under F.R.E. 402, 403 & 602 are without merit.

**Page 60, line 15 through Page 61, line 4 –Defendant’s Objection**

Sustained in light of speaking objection and witnesses’ expression of lack of recollection.

**Page 75, lines 6 through 14 –Defendant’s Objection**

Overruled. Defendant’s proposed counter designation is excluded under F.R.E. 602.

**Page 102, line 11 through Page 103, line 12 –Defendant’s Objection**

Sustained under F.R.E 403 & 602.

**Page 104, lines 8 through 12 –Defendant’s Objection**

Overruled. Defendant’s objections under F.R.E. 402, 403 & 602 are without merit and foundation is established.

**Page 104, line 13 through Page 105, line 13 –Defendant’s Objection**

Overruled. Defendant’s objections under F.R.E. 402, 403 & 602 are without merit and foundation is established.

As explained herein, the Objections to the Parties’ Designations of the Deposition of Captain Solenkov (ECF Nos. 212, 217 & 209) are GRANTED IN PART & DENIED IN PART.

SO ORDERED.

/s/ George Z. Singal  
United States District Judge

Dated this 9th day of April, 2013.